THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.13065 of 2006

Dated: 29.06.2006

Between:

M. Kusuma, D/o Ramaiah, D.W. Conductor (E-850939), APSRTC in Adilabad Region, Adilabad District.

.... PETITIONER

AND

The Regional Manager, APSRTC, Adilabad Region, Adilabad District, A.P.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.13065 of 2006

Order:

The petitioner was employed as Conductor in the Adilabad Region of A.P.S.R.T.C. on daily wage basis. The Regional Manager, Adilabad, respondent herein, issued orders dated 16.09.2005 requiring the petitioner to report to the Hyderabad City Region for being engaged as Conductor at that place. Alleging that the petitioner did not report to duty at Hyderabad City Region within the stipulated time, the respondent passed the orders dated 05.01.2006 deleting the name of the petitioner from the select panel of daily wage conductors. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The petitioner herein is woman Conductor. It is virtually out of desperation that women candidates would chose to be appointed or engaged as Conductors in the A.P.S.R.T.C. It is not as if the petitioner was being paid monthly salary. She has been included in the panel and the entrustment of work to her would depend upon the need on the concerned day. The A.P.S.R.T.C. would be under obligation to pay wages only for the days on which the petitioner is engaged as Conductor.

The petitioner was transferred from Adilabad Region to Hyderabad City Region. Though the direction to the petitioner by the respondent was to report duty at a different region, in effect it is nothing but a transfer. This Court, in number of cases, held that transfer of employees from one region to another can be effected only by the

Executive Director. It was further observed that the inter-regional transfers may be effected only after ascertaining the views of the persons concerned where their appointment is on daily wages. The continuance of the petitioner on the panel of daily wage conductors at Adilabad region cannot be said to have resulted in any financial loss to the Corporation. Further, the difficulty to be faced by the petitioner on her being required to remain at Hyderabad, that too on daily wage basis without any assured income can easily be imagined.

Having regard to the facts and circumstances of the case, the writ petition is allowed and the impugned order is hereby set aside. The name of the petitioner shall be continued in the panel of select conductors and the entrustment of the duties to the petitioner shall depend upon the availability of work on the concerned day. However, if the transfer becomes inevitable, the petitioner shall be given the option, to choose the places of her choice within the region. No costs.

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N.V. RAMANA, J.

Date: 29.06.2006
Nsr/Ksr